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SUBJECT: SPIEGEL BRIEFS DONORS ON SEPARATION BARRIER DEVELOPMENTS

REF: TEL AVIV 1420

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1. (SBU) Summary. Baruch Spiegel, Israeli coordinator on humanitarian issues related to the separation barrier, told donors March 11 that he and his team are trying to find solutions to a variety of localized problems brought to its attention and is trying to apply "lessons learned" from previous mistakes. He said that, based on dialogue with Palestinian officials and residents, a large number of changes have been made to the proposed route and opening times for gates had been increased. Spiegel said his team is in the process of mapping potential bottlenecks that could be created by the Jerusalem portion of the barrier and would try to devise solutions. The legal advisor on Spiegel's team said there is no intention to permanently confiscate land, calling the actions taken up to now "temporary seizures" of land, for which compensation will be given. End Summary.

Spiegel - We're Learning From Past Mistakes

2. (SBU) Spiegel said that his team was tasked to find solutions to specific problems brought to its attention and to implement "lessons learned" from areas where the barrier was built and caused serious problems for local residents. Spiegel emphasized that he is a "coordinator of fence-related humanitarian issues," not an "ombudsman" to whom every issue related to the barrier should be directed. Residents facing problems caused by the barrier, he said, should contact local MATAK offices, just as before. He stated, however, that his team would "deal immediately" with any problems brought to its attention by NGOs, Palestinian officials or others. His office is engaged in "intensive dialogues" with Palestinian officials and residents of several areas affected by the barrier (he provided no specific details). "We will give answers," as a result of this dialogue, he said, "and those answers may result in changes to previous decisions about the route of the fence." He noted, as an example, the changes to the route near Baqa al Sharqiya (reftel). He also noted that opening times for gates around Qalqilya had been extended to 90 minutes, from as little as 20 minutes previously. Spiegel insisted that complaints about the impact of the barrier on local residents had decreased markedly. In the past, Spiegel continued, the humanitarian aspect was not part of the planning process. Now it is. "We are checking every meter of the fence and if the humanitarian dimension comes into play, we are dealing with it."

Focus on Jerusalem

3. (SBU) The most difficult and complicated part of the route is around Jerusalem, said Spiegel. He said his team was in the process of mapping "weak points" and bottlenecks caused by the proposed route near Jerusalem, and would try to devise solutions. Part of the solution, Spiegel added, might include new technology that will make passage easier and less intrusive, perhaps through "smart cards" or other means. Travel and car permits for travel through crossings around Jerusalem are "big, complicated issues," he said. He noted that the police, not the IDF, are responsible for issuing these permits for Jerusalem entry.

Training is Key

4. (SBU) Spiegel reiterated points he had made to us previously (reftel) about the importance of training personnel who will be manning crossing points. His team will work closely with the IDF and the police, he said. Training would focus on how to correctly deal with civilians. "A high standard of service" would be mandated, he said. He said passing a special exam would eventually be required before personnel are assigned to these stations. Because of urgent personnel needs, however, the IDF is making do with "on the job training" at present.

Legal Aspects

15. (SBU) Spiegel said ten legal petitions about the barrier, 3 general in nature and 7 about particular land issues, had been received by the Israeli High Court of Justice. The Israeli authorities were paying very close attention, he said, to property rights, and had a clear preference to build on "public land" vs. "private land." In response to questions from the donors, Michael Bendavid of the International Law Department of the IDF said that Palestinian landowners affected by the barrier were entitled to compensation. Claims that Israel would invoke laws to confiscate private land were untrue, he said. Specifically, the GOI would not invoke legal procedures that cause agriculture land that has been unused for three or more years to become "public land." To do so would be illegal and in bad faith, he said. Bendavid said the GOI had "temporarily seized" some private land to build the barrier, but the land would be returned after a final peace settlement. Compensation for private owners, akin to rental payments, he said, was being set aside. It was IDF experience, he continued, that owners would eventually come forward and claim the compensation. (Comment: The donors have good reason to question Spiegel and Bendavid about the confiscation of land. In the past, the GOI used laws such as the three-year rule mentioned above to declare much of the West Bank's land "public." Indeed some of this "public" land is used as farm land by Palestinians. Moreover, some land that has been "temporarily seized" has become de facto permanent GOI property, subject of course to changes mandated by any future peace deal. Much of the land used to build by-pass roads for settlements, for example, was "temporarily seized." End comment.)

No Comment on "Depth Barriers"

16. (SBU) Spiegel would not comment on specific route changes being considered. In response to a question about secondary fences or "depth barriers," Spiegel said such decisions were not in his mandate and he would not comment.

Comment

17. (SBU) The meeting broke little new ground, but did provide a forum for key donors to hear directly from Spiegel about the work of his committee and to raise specific issues of concern. While several donors continue to worry that these exchanges suggest a legitimization of the barrier, most recognize the value of maintaining lines of communication.

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